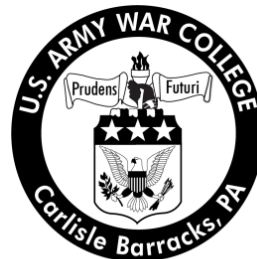


Contingency Contracting Officers: Establishing a Successful Interagency Profession

by

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United States Army War College
Class of 2012

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USAWC STRATEGY RESEARCH PROJECT

CONTINGENCY CONTRACTING OFFICERS: ESTABLISHING A SUCCESSFUL INTERAGENCY PROFESSION

by

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Contingency Contracting Officers (CCOs) faced many challenges during extended operations in Iraq and Afghanistan. Never before have they dealt with contingency contracting in multiple overseas locations, simultaneously with a host of various contracting organizations. The Commission on Wartime Contracting in Iraq and Afghanistan directed the Department of Defense (DoD), Department of State (DOS), and the U.S. Agency for International Development (USAID) to work together to plan, manage, and oversee contractors in theater. In that light, this strategic research project (SRP) identifies several problems CCOs encountered in Iraq and Afghanistan in executing contracts. It proposes key prerequisites that will enable CCOs to prepare, direct, and administer more efficient procurement of goods and services in support of contingency operations.

CONTINGENCY CONTRACTING OFFICERS: ESTABLISHING A SUCCESSFUL INTERAGENCY PROFESSION

The Federal Government must have sufficient capacity to manage and oversee the contracting process... to ensure that taxpayer funds are spent wisely and are not subject to excessive risk.¹

—President Barack Obama

The wars in Iraq and Afghanistan have required military and federal civilian employees to respond quickly to urgent requirements for goods and services needed to win the war and protect U.S. personnel. According to a report to Congress prepared by the Commission on Wartime Contracting, dated August 2011, “the volume and complexity of contract actions have overwhelmed the ability of the government to plan for, manage, and oversee contractors in theater.”² This report further asserts that lack of attention to numerous, complex, contracting actions have resulted in massive fraud and waste. The Commission speculated that the government’s ad-hoc response to the expansion of contracting is ineffective; it found that agency leaders have not recognized the extent of the problem.³

This strategic research project (SRP) discusses some of the problems Contingency Contracting Officers (CCOs) have encountered in Iraq and Afghanistan. It reviews current statutory and regulatory requirements and describes training for personnel who execute contracts for the Department of Defense (DoD), Department of State (DoS), and the U.S. Agency for International Development (USAID). It concludes with proposed prerequisites to enable Contingency Contracting personnel to organize, maintain, and oversee procurement of goods and services more effectively in support of future contingency operations.

Background

During the past twelve years, the U.S. armed forces have been engaged in simultaneous operations in Iraq and Afghanistan. The operations within the Central Command's Area of Responsibility (AOR) have stressed federal CCOs' ability to support contingency operations in several areas of conflict. These challenges are exacerbated when multiple organizations are involved in supporting the overseas contracting effort.

The Gansler Report published in October 2004 highlighted obstacles that U.S. Army contracting officers faced during in-theater operations; it also provided recommendations to reform Army expeditionary contracting issues. It offered four specific recommendations to improve the Army's contingency contracting:

- Increase stature, quality, and career development of contracting personnel, military and civilian (especially for expeditionary operations).
- Restructure organization and restore responsibility to facilitate contracting and contract management in expeditionary and CONUS operations.
- Provide training and tools for overall contracting activities in expeditionary operations.
- Obtain legislative, regulatory, and policy assistance to enable contracting effectiveness in expeditionary operations.⁴

On 12 September 2008, the Army stood up the Expeditionary Contracting Command (ECC), a subordinate command under the U.S. Army Contracting Command, as a result of the Gansler Report recommendations. The establishment of the ECC will provide the Army better oversight and visibility of all expeditionary contracting actions in

forward-deployed areas. The Army has made improvements in the career development of both military and civilian contracting paths and has developed policy to restrict expeditionary contracting deployments as a first assignment.⁵

The Army has also realigned Army Contracting Command, under Army Materiel Command, to provide a single contracting chain of command and maintain command and control of the majority of the contracting workforce. Next, the Army is planning to synchronize the training and operational contract support for the entire Army contracting workforce.⁶ The recommendations regarding training tools, regulations and policies are underway and should be implemented in the near future. These initiatives will satisfy the recommendations of the Gansler Report.

The need for better coordination, oversight, and training for CCOs has become evident to Congress through reports on numerous fraud and waste claims. The 2011 Commission Report estimated that waste and fraud have cost taxpayers \$31 billion to \$60 billion.⁷ After the Office of Secretary of Defense (OSD) challenged these figures, the Commission published an information sheet to itemize their findings. The Commission claimed that it compiled its assessment from broadly-consistent estimates from three sources.

It is comprised of (1) a subset of public and non-public evaluations of individual projects and programs (including direct, in-theater observations), (2) an extrapolation of the percentage of dollars wasted from assessments by the accountability community applied to the total \$206 billion in contract spending expected through the end of fiscal year 2011 . . . (3) the widely accepted benchmark established by the Association of Certified Fraud Examiners (ACFE).⁸

Both the Gansler and Commission Reports have described the need for better CCO training, skills, and leadership and offered recommendations on how to improve the workforce's skills. The missing link is the ability to establish a CCO workforce at the

interagency level. This SRP describes the training, skills, and leadership needed for effective contingency contracting. It recommends ways to develop the contracting workforce so that it acquires the requisite training, skills, and leadership.

Current Complexities of Contingency Contracting

The specific issues cited in the 2011 Commission Report are critical to the improvements of a reformed CCO corps. The CCO corps faces numerous challenges that make their duties difficult to manage. These problems validate the importance of effective management and oversight of contract performance. The Commission Report refers to the following issues:

- Contracts are managed under a variety of acquisition procedures by multiple organizations from multiple locations: in the overseas area of operations, in a nearby foreign country, and in the United States.
- An already strained acquisition workforce is further burdened by the need to deploy overseas.
- Most contracts are for services supporting the U.S. forces and civilians or actually carrying out direct-mission objectives.
- The contingency-contractor workforce comprises U.S.-based companies, host-nations, and third-country firms.
- Most contract dollars are awarded to just a few large U.S. companies.
- Much of the work is performed through multiple tiers of subcontractors, resulting in a large host- and third-country workforce.

- Socio-economic procurement policies such as Iraqi First and Afghan First give priority to helping develop local economies and countering the insurgency.
- Volume of contract dollars that will have been injected into those underdeveloped economies because of the United States' presence.⁹

The eight issues above are complex and CCOs face all of these issues simultaneously, which demonstrate how CCOs' duties are far different from the routine checks and balances from ten years ago. The complexity of contingency operations has made managing contracts more difficult. CCOs must obtain formal training and education to function effectively in such a complex environment.

Training Concerns/Issues for Contingency Contracting Officers

Numerous reports from the Commission, Government Accounting Office (GAO), and other external sources similarly indicate the need for improvements in the area of contingency contracting. One crucial area of concern is the lack of training for contracting personnel at the interagency level.

The February 2011 Commission Report, entitled "At What Risk," recommended that the federal government "Establish interagency certification requirements and training curricula for contingency acquisition personnel."¹⁰ Currently, several different organizations, such as the Defense Acquisition University (DAU) and the Federal Acquisition Institute (FAI) provide training and certification to the contracting workforce; however, no interagency standards assure the quality of the training or the validity of the certification. The DoS and USAID contracting workforce currently have no certification or formal training to function in DoD contracting offices.¹¹

The *Washington Post's* investigative reporting on contingency contracting uncovered the general lack of training and incompetence of some CCOs. The *Post* annotated the costs of poor contingency contracting:

Tens of billions of taxpayer dollars have been wasted through poor planning, vague and shifting requirements, inadequate competition, substandard contract management and oversight, lax accountability, weak interagency coordination, and subpar performance or outright misconduct by some contractors and federal employees. Both government and contractors need to do better.¹²

There were major expenditures on contingency operations in both Iraq and Afghanistan and better communication and coordination at the interagency level potentially would have alleviated most of the problems encountered with CCO actions. Training and educating the federal workforce will help eliminate the fraud, waste, and abuse prevalent in recent contingency operations.

The U.S. GAO statement released April 25, 2011, entitled “*Contingency Contracting – Observations on Actions Needed to Address Systemic Challenges*” found that DoD, DoS, and USAID share in their lack of quality federal contractor workforce members. The Report indicates that DoD has taken steps in the right direction but they still have more to accomplish in sizing, training, and equipping the federal contracting workforce. In regards to DoS and USAID, the GAO Report quotes the *Quadrennial Diplomacy and Development Review* in recognizing the need to “rebalance their workforce,” ensuring both agencies have “enough government employees to carry out their core missions to improve contract administration and oversight.”¹³ The GAO understands the urgency in acquiring the right training and the number of CCOs in all agencies to support adequately the mammoth workload of contingency contracting.

Frank Kendal, Acting Under Secretary of Defense for Acquisition, Technology and Logistics, provided initial guidance for contracting personnel by citing his priorities in October 2011. This SRP addresses three of these priorities, which focus on the DoD's role in contingency contracting: Priority 1 addresses supporting forces that are engaged in Overseas Contingency Operations with an emphasis on contingency contracting. Priority 5 concentrates on the need to strengthen the federal contracting workforce by improving the capability and size of our workforce. Priority 6 deals with the need to protect the future, i.e. emphasis to retain contingency contracting capabilities.¹⁴ These three priorities respond to the February 2011 Commission Report which warned against over-reliance on contractors in contingency operations.

The identification of training concerns in the Commission and GAO Reports, as well as statements made by Frank Kendal, places an emphasis on the need to strengthen the training requirements for all federal contracting workforce members to support better contingency operations. The need for better coordination, communication, and training of the contracting workforce within the interagency is vital to eliminate fraud, waste and abuse in contingency operations.

Contingency Contracting Officers at the Interagency Level

The DoD, DoS, and USAID all provide contracting support for contingency operations in Iraq and Afghanistan. The following discussion focuses on vital roles and responsibilities of these agencies. It then describes statutory and regulatory requirements for contingency contracting and assesses the adequacy of training and tools. Finally, it cites deficiencies in the DoD, DoS, and USAID handling of in-theater contingency contracting.

Requisite Roles & Responsibilities. This section outlined the roles and responsibilities of the DoD, DoS, and USAID agencies in charge of contracting in a hostile environment. First, the DoD is responsible to provide military forces needed to deter war and protect the nation's security.¹⁵ The contracting community plays a significant role in this mission. The Joint Forces Command outline the definition in their February 2010 Handbook for Military Participation in the Interagency Management System for Reconstruction and Stabilization:

The purpose of the CCO is to acquire supplies and services needed by the war-fighter to support essential missions in response to a crisis, contingency, or declaration of war. . . . When CCOs are deployed to declared contingencies, the flow of contracting authority may change based on the maturity of the location, theater of operation, and established command and control.¹⁶

The DoS' mission is to "shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere."¹⁷ Its contracting community contributes to the State Department mission by providing Regional Procurement Support Offices (RPSOs) in forward-based activities of the Office of Logistics Management, which resides under the Office of Acquisition Management. The RPSOs' main objective is to "provide Foreign service posts worldwide with a responsive and efficient procurement and contracting resource, and to support global initiatives."¹⁸ However, the support structure is not set up like the Combatant Commander's Area of Responsibility (AoR). The U.S. Embassy in Tokyo is responsible for purchasing needs in the Middle East, Near East, Far East, Africa, and Russia. The embassy structure is yet another example of how the DoS differ from DoD.

The USAID is the principal U.S. agency responsible to “extend assistance to countries recovering from disaster, trying to escape poverty, and engaging in democratic reforms.”¹⁹ USAID awards contracts to provide technical assistance, commodities and/or equipment, transportation services, and occasionally construction to nations that request USAID assistance. It issues contracts and grants to sustain objectives of USAID’s part of the U.S. foreign assistance program.²⁰

Statutory and Regulatory Requirements. There are many regulatory requirements regarding contract actions for contingency operations. The requirements are not standard across all federal agencies. This section of the SRP discusses the contingency contracting requirements for DoD, DoS, and USAID.

The statutory provision that requires training for the defense acquisition community is the 1990 Defense Acquisition Workforce Improvement Act (DAWIA). DAWIA set the path to establish an Acquisition Corps, which includes contracting personnel, and professionalize the acquisition workforce through education, training, and work experience.²¹ DAWIA has been amended several times to improve the requirements of the Acquisition Corps. Within twenty-four months of hiring, a Defense Acquisition Employee must reach the appropriate DAWIA certification level required for a specific position.²² All DoD acquisition professionals must meet DAWIA requirements. There are additional requirements, such as the Presidential Decision Directive/National Security Council (PDD/NSC) 56, that all federal contracting workforce members must follow.

PDD/NSC 56, “*Managing Complex Contingency Operations*” instructed all agencies in May 1997 to assess various areas of contingency operations. These

assessments included training and crisis management-procedures. Agencies were supposed to improve from their experiences and “institutionalize” those lessons learned. This PDD explained the importance of military and civilian agencies working closely together through effective interagency management to coordinate efforts. It further explains that integrating efforts early in an operation “can avoid delays, reduce pressure on the military . . . and create unity of effort within an operation that is essential for success of the mission.”²³ Since the publication of PDD/NSC-56, agencies are still struggling with adopting lessons learned in order to avoid making the same mistakes time and time again.

The DoS acquisition workforce abides by the Department of State Acquisition Regulation (DOSAR) for all contracting actions for products and services.²⁴ The “U.S. Department of State Foreign Affairs Manual Volume 14 Handbook 2—Contracting Officer’s Representative” (FAH) is also used by the DoS contracting workforce. The FAH provides roles and responsibilities of the contracting process. The FAH also provides roles and responsibilities and training requirements for the contracting officers and contracting officer representatives.²⁵ The DOSAR is used in conjunction with the Federal Acquisition regulation (FAR) and is applicable to USAID.

The USAID acquisition workforce adheres to the mandatory USAID Acquisition Regulation (AIDAR) as well as the DOSAR, when applicable. This regulation supplements the FAR and follows the procurement policy, procedures, and standards. The AIDAR provides guidance for all procurement activities within USAID, which includes the following: Office of Acquisition and Assistance, Office of Foreign Disaster

Assistance, and Center for Human Capacity Development. All overseas field activities fall under the USAID mission or post it occupies.²⁶

The specific regulation that crosses all federal agencies is the FAR. Contractors critically need flexibilities for contingency operations, which are provided in Part 18 of FAR, “*Emergency Acquisition Flexibilities*.” The FAR stipulates:

Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts . . . contract administration and those technical and management functions directly related to the process of fulfilling agency needs by contract.²⁷

The FAR stipulates that all federal agencies abide by the same regulations when administering federal contracts. No federal agency should be conducting contracting actions without adhering to the FAR. The National Defense Authorization Act (NDAA) 841 for Fiscal Year 2008 chartered an investigation into contracting actions in Iraq and Afghanistan. The FAR was just one part of the investigation.

NDAA 841, “*Commission on Wartime Contracting in Iraq and Afghanistan*” examined operations for fraud, waste, and abuse of federal contracts in 2008. NDAA-841 addressed contracting integrity and contractor logistics support in contingency operations. This investigation revealed that each agency had its own directives and guiding principles to negotiate a legally-binding contract.²⁸ All of these statutory and regulatory requirements contribute to CCOs’ learning environment. The lessons learned from NDAA-841 should be incorporated into a formal CCO training program from the Defense Acquisition University (DAU) and other federal institution.

The DoD, DoS, and USAID all require different acquisition and procurement rules and regulations. Statutory and regulatory requirements should cross all agencies,

similar to the FAR. Just as the requirements differ from agency to agency in the federal government, the adequacy of training follows that same logic.

Adequacy of Training. Contingency Contracting training is not standard across all federal agencies and is a key contributor to the fraud, waste, and abuse allegations noted throughout this SRP. The GAO statement released April 25, 2011 entitled “*Contingency Contracting – Observations on Actions Needed to Address Systemic Challenge.*” concludes that,

The challenges encountered in Iraq and Afghanistan are the result of numerous factors, including poor strategic and acquisition planning, inadequate contract administration and oversight, and an insufficient number of trained acquisition and contracting oversight personnel.²⁹

All agencies involved in expeditionary operations acknowledge the need to train contracting officers properly. The 2011 GAO statement claims that program training is crucial to the success of U.S. operations, whether in an overseas contingency environment or not.³⁰ This section of the SRP will review the current training of the DoD, DoS, and USAID contracting workforce

In 2006, the Office of Management and Budget (OMB) provided guidance to set up a Federal Acquisition Certification in Contracting (FAC-C) Program to build a well-trained acquisition workforce outside the DoD. The OMB tasked the Federal Acquisition Institute (FAI) to develop a program that established common standards within the federal contracting community. The OMB directed the Chief Acquisition Officers Council (CAOC) to approve and oversee this initiative. The CAOC is comprised of senior executives from DoD and non-DoD agencies.³¹ This program establishes core requirements for education, training, and experience for contracting professionals in civilian agencies.”³² The OMB demonstrates its commitment to develop a

comprehensive contracting workforce with training and education in contracting to support all federal agencies in all contracting environments.

The OMB is aligning with the DoD to support training initiatives that mirror DAWIA's statutory responsibilities. The FAI works closely with DAU to leverage DAU's training and development expertise. According to OMB,

State Department plans to update its current contracting officer's representative courses and improve access . . . worldwide, focus training on contract management . . . more resources to contract oversight.³³

By updating these courses and providing additional resources, the non-DoD contracting workforce will align more closely with the DoD contracting workforce.

As required by the NDAA for fiscal year 2007, Public Law 109-364, Section 813, the DoD established a panel of senior leaders known as the "Panel of Contracting Integrity." This permanent panel comprises representatives from across the Department; its charter is to eliminate areas of vulnerability of the defense contracting system. These vulnerabilities undoubtedly include fraud, waste, and abuse. The panel has reported to Congress annually on its findings and recommendations.³⁴ The need for the report to Congress identifies any potential problems that compromise the integrity of the contracting system and will alleviate any further, destructive action.³⁵

The OMB Office of Federal Procurement Policy (OFPP) published an April 2005 policy letter 05-01 to encourage the development of core, acquisition competencies government wide.³⁶ As a result of this policy letter DoS established training guidance since 2008 in their FAH. The FAH provides training courses and oversees contracting officer warrants. The FAC-C and the contracting officer warrant programs are separate programs; however, the Procurement Executive directed both programs to work in

unison.³⁷ Working in unity will promote standardization and assist the workforce in understanding the contracting process.

Responding to a recommendation from the Panel of Contracting Integrity, Defense Procurement and Acquisition Policy (DPAP) held the first annual Interagency Contingency Contracting Conference in May 2009. The theme for the conference was “Interagency Contracting Efforts in Response to Catastrophic Disasters” and open to all DoD stakeholders and other government agencies. The participants developed a better understanding of organizations’ missions and roles in supporting catastrophic, domestic disasters. Among the conferences seventy attendees were representatives from OSD, Joint Chief of Staff (JCS), all Military Services, General Services Administration, Department of Commerce, Department of Health and Human Services, Defense Contract Management Agency, GAO, and other agencies. However; no representatives from DoS or USAID were in attendance.

Next year’s 2010 conference focused more on contingency issues. There were over 350 attendees from the DoD and other federal agencies. But again there was no reference in the Conference Proceedings to DoS or USAID participation.³⁸ To standardize interagency processes and training curricula, DoS and USAID must start attending these annual conferences. All indications affirm that participants have found these conferences to be worthwhile and educational.

The 2010 Quadrennial Diplomacy and Development Review (QDRR) cited the need for a skilled, contracting workforce within DoS and USAID. However, it admitted that the outsourcing of contracting within conflict zones has proven difficult to control fraud, waste, and abuse. The QDRR report claimed that,

Effective contract planning, management, and oversight depend upon motivated and well-trained State and USAID staff who have the skill sets and resources to appropriately evaluate contracting plans and their alignment with mission objectives.³⁹

As a result of this report, DoS and USAID will address the following workforce issues: the status of contract oversight personnel, linking oversight duties to performance evaluation, and tailoring and expanding training and certification to incorporate field examples and experience-based training.⁴⁰ The DoS and USAID are moving forward to mitigate this deficiency.

The DoD moved forward to improve contracting officers' training and career development. Shay Assad, Director of DPAP, recognized the need to provide CCOs with guidance, tools, and training to prepare them for the challenges of supporting contingency operations. Accordingly, DPAP published the Defense Contingency Contracting Handbook on the DPAP website in 2010, which other agencies can access. This handbook provides valuable tools, templates, and training for the CCO workforce and enables them to succeed in any contracting environment.⁴¹ It does not replace any existing policies or regulations, but it does provide a consolidated source of information that a CCO would need throughout the contracting process -- from planning to execution to supporting contractors in a contingency-contracting environment. For example, it has critical-item checklists, games, training scenarios, FAR/DFAR reference links, graphics for key contracting processes, contracting forms, listing of required and desired training, and much more. Also, this handbook emphasizes the ethics of contracting. In fact, the first chapter is devoted to ethics, fraud indicators, standards of conduct, and procurement integrity.⁴² Every federal contracting officer should be very familiar with the Defense Contingency Contracting Handbook. The DAU portal contains

a shared knowledge site, entitled “Acquisition Community Connect” that links to the handbook as well as other helpful resources. The DAU portal also provides an on-line “Ask the Professor” function.

As part of this SRP, the on-line DAU “Ask the Professor” answered the following questions:

Is there any move toward standardizing contingency contracting training for all Federal Agencies? Specifically between DoD, DoS, and USAID? DAU has done a wonderful job training the DoD Contracting Workforce, but is there any coordination to improve the interagency training program for the Contracting Workforce?”⁴³

The response concluded:

There is no such move that I'm aware of. Part of this is due to the different timing and environments of the missions of the Dept. of Defense, Dept. of State, and USAID. DoD's contingency contracting officers are typically involved earlier during deployments, and often deployed to more forward areas. The missions of the Dept. of State and USAID tend to be less focused on the early phases . . . These factors affect the underlying sense of urgency of the different contracting missions, which in turn affects the methods and philosophy of contracting in the contingency environment. Another difference between the missions . . . DoD supplements FAR Part 18 (Emergency Acquisitions) in the DFARS, while the Dept. of State does not supplement FAR Part 18 in its FAR supplement.⁴⁴

Thus, DAU and FAI have not been coordinating any of the recommendations from the Commission on Wartime Contracting in Iraq and Afghanistan. Both federal training organizations will continue to work on training the federal contracting workforce; however, the question remains whether such training will be at the interagency level.

The adequacy of training at the interagency level has a long way to achieve better communication and coordination. DAU and FAI efforts are steps in the right direction; however, Contingency Contracting training still has more work toward

standardization across all federal agencies to make a difference in the contentious area of fraud, waste, and abuse.

Furthermore, there was no indication in the FAH that DoS contracting officers receive courses in fraud, waste, and abuse.⁴⁵ DAU teaches this course for DoD workforce members; the Joint Contingency Contracting Handbook refers to the DoD training opportunities.⁴⁶ For contracting officers to recognize and deal effectively with fraud, waste, and abuse situations, such courses need to be mandatory for all acquisition workforce members serving as contracting officers.

The 2011 Commission report recommended the following action at the interagency level:

The Office of Federal Procurement Policy and the Office of Personnel Management should develop standardized certification requirements and training curricula for contingency-acquisition personnel. These new curricula would consolidate the best elements of the training provided by the Defense Acquisition University, Federal Acquisition Institute, Federal Emergency Management Agency Academy, Naval Postgraduate School Monterey, professional organizations like the National Contract Management Association, and industry.⁴⁷

The Commission believes the lack of standardized certification requirements and training for CCOs contributes to the difficulties of interagency collaboration on contingency contracting. Both DAU and FAI are working to support the federal contracting workforce; however there are no courses that bring both workforces together at the interagency level.

Daniel I. Gordon, Administrator for Federal Procurement Policy, Office of Management and Budget, testified before the Commission on Wartime Contracting in September 2011 regarding the ongoing efforts of the federal acquisition workforce to address the issues cited on page 3 above. Gordon recalled Pres. Barrack Obama's

challenge to agencies to improve their acquisition management practices. Gordon briefed the Commission on the agencies' current efforts to learn from prior experiences. He declared that "the Administration is committed to investing in the growth and development of the entire acquisition workforce" and added

The President's Budget for FY11 requested \$158 million to increase the capability and capacity of the civilian agency acquisition workforce, and these funds will improve the ability of agencies to hire, train, develop, and retain entry-level as well as mid-level acquisition professionals.⁴⁸

If Congress approves the budget, these funds will significantly upgrade training of the federal acquisition workforce, to include incorporation of ethics materials. Gordon understands the importance of a well-trained workforce and how better training will improve the overall contracting effort within interagency organizations.

Organizational Change

The Commission report further cited the need for organizational change:

Agencies engaged in contingency contracting are not organized to promote cross-agency communication, to accommodate contractor support in strategic and operational force planning and preparation, to foster cost-consciousness, or to address acquisition issues and challenges at the highest leadership levels.⁴⁹

The detailed discussion centered around DoD only. The Commission recommended "elevating contracting from a subordinate role within the Joint Staff's logistics directorate (J4) by establishing a J10 directorate." This change would create a separate directorate to handle all contracting initiatives. It would elevate contracting to the same authoritative level as other Joint Staff functions, e.g. intelligence, plans, and operations.

The Joint Staff, Operational Contract Support Services Division (J4), does not support the J10 concept. Indeed, it has vocally opposed the proposal. The Joint Staff Director, VADM William E. Gortney, sent a memorandum to the Co-Chairs of the

Commission on Wartime Contracting in Iraq and Afghanistan in response to the recommendation. Gortney claimed that ongoing efforts to reduce the DoD force structure argues against establishing additional general or flag officer billets or civilian senior executive positions to institute a new directorate within the Joint Staff.⁵⁰

However, Gortney provided a listing of ongoing initiatives that reveals the Joint Staff's concern for Operational Contractor Support (OCS) issues. These initiatives include updating Joint Publication (JP) 4-10, *Operational Contract Support* to "reflect the lessons learned during recent contingencies and provide the doctrinal basis for the holistic use of contracted support in support of the commander's strategic and operational objectives, starting with shaping operations (Phase 0)."⁵¹ Other initiatives include highlighting OCS in key strategic policy and planning documents and increasing the number of operational plans that must contain a detailed OCS annex.⁵²

Recommended Prerequisites for CCO

Lt. Col. Russell Dunford, U.S. Army, published an article in 2009 entitled "Program Management versus Contingency Contracting Lessons Learned from the Field." He discussed the need for cross training among the Program Management (PM) and Contracting Officer career fields. He recommended bringing both PMs and junior contracting officers into the contingency contracting environment under the mentorship of a senior contracting officer before the PM and junior contracting officer begin assuming more contracting officer duties. He noted that "One of the U.S. military's greatest strengths has always been the cross-training of personnel."⁵³ Officer on-the-job training to learn about contingency contracting early in their career would be a valuable tool.

Military and civilian experiences should assimilate in the context of a professional contracting curriculum. To train the workforce early and to keep their interest, this technique would prove beneficial. On a larger scale, the federal government should look at cross-training not just among Services, but across federal agencies and include a robust ethical training course for the entire federal contracting workforce.

Annual ethics training is required for all federal government workers; however, to be more effective given CCOs' involvement with contractors, the CCOs need a more-robust curriculum tailored to the contracting workforce. Use of a lessons-learned database would improve training of the entire contracting workforce. These lessons would better prepare CCOs for the ethical challenges they could face in future, contracting environments. Furthermore, on-line ethics training is not prudent. A classroom training environment would promote interaction and role playing to demonstrate how to respond to various scenarios. CCOs would benefit far more in a dynamic learning environment with other experienced CCOs.

To improve CCOs' long-term professionalism, a standard career path system would assist all federal agencies to enhance in the contracting career. Although there are excellent contracting courses in DAU and FAI, CCOs have no defined career path enabling them to grow and advance professionally. Too often CCOs work in contingency operations without proper training or mentorship. Before such assignments, CCOs should meet certain, qualifying standards that ascertain their capabilities to carry out such assignments. This training should not be optional or waived.

Another recommendation calls for restructuring the separate federal contracting organizations under the Office of Personnel Management (OPM). The restructure would delegate responsibility more effectively and facilitate contracting and contract management under one agency. The assignment of numerous federal agencies supporting current contingency operations has created duplication of effort and complicated contract handling. Military officers learned in the supported units within the contingency environment often do not know which CCO to contact for the various services being supported in Iraq and Afghanistan. Additionally, all CCOs from numerous federal agencies learn various training techniques and methods of conducting federal contracting. Thus, this recommendation calls too for a mandate on training facilities, possibly under an organization similar to DAU. This organization would serve as a centrally-managed contracting agency, which would streamline efficiency and increase the effectiveness of the contracting community.

Granted, this newly-structured federal contracting organization could be large. It must fall under the purview of OPM so that other federal agencies cannot create their own rules and deviate from the mandated training or career development roadmaps that the new organization will generate.

Expansion of the contracting tools that already exist under DPAP will save time and resources for the entire contracting workforce. These advanced aids need to be an application for media devices, e.g. the iPad. Such a tool will increase flexibility for CCOs operating in an expeditionary environment. Leveraging emerging technology for CCOs will make them more productive. For example, CCOs could simultaneously hold conference calls and video teleconferences, and conduct market research or

comparative shopping. Furthermore, this handheld tool could allow CCOs to research FAR clauses quickly or other contracting policies when needed. Likewise, it could assist in tracking contracting personnel worldwide.

If a single contracting agency under OPM is not feasible, the next best improvement would be an interagency board that periodically reviews CCO standards, training, and policies to ensure all federal contracting officers work in unison. This board would approve training standards and policies for DoD and other federal agencies. In addition to training, this board would produce and update a joint interagency contingency contracting handbook to ensure standardization across all federal agencies. The tailoring of DoD's current *Joint Contingency Contracting Handbook* would accommodate all federal agencies. This requirement could fall under the existing CAOC as an additional tasking. Therefore, no new board or council would have to be created.

Conclusion

There has been significant improvement in the CCOs' domain, but there is still critical work that leaders at all federal agencies need to address. To coordinate training and policy at the interagency level has been challenging. This SRP has tracked measurable improvements in DoD contracting. But contingency contracting is still not standardized among DoD, DoS, and USAID. For CCOs to become certified professionals at the interagency level, coordination will have to begin with executives within the DoD, the DoS, and USAID. Recommendations in this SRP specify ways to improve the contingency contracting process. Only a highly-professional contracting workforce can prevent and deter future, financial waste of taxpayer dollars caused by inadequate contingency contracting.

Endnotes

¹ Barack Obama, "Contingency Contracting," memorandum for the Heads of Executive Departments and Agencies, Washington, DC, March 4, 2009.

² Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting Controlling Costs, Reducing Risks*, Final Report to Congress, August 2011 (Washington, DC: U.S. Government Printing Office, 2011), Inside front cover.

³ Ibid., 114.

⁴ Jacques S. Gansler et al., *Urgent Reform Required: Army Expeditionary Contracting Report of the "Commission on Army Acquisition and Program Management in Expeditionary Operations"*, October 31, 2007, http://www.army.mil/docs/Gansler_Commission_Report_Final_071031.pdf (accessed December 10, 2011), 14.

⁵ Doby Bokinsky, "ACCP-TP Creates New Vision for Worldwide Army Contracting Operations," October 2008, http://www.usaasc.info/alt_online/article.cfm?iID=0811&aid=13 (accessed February 15, 2012).

⁶ Ibid.

⁷ Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting Controlling costs, reducing risks*, Final Report to Congress, August 2011 (Washington, DC: U.S. Government Printing Office, 2011), 68.

⁸ Commission on Wartime Contracting in Iraq and Afghanistan Information Sheet, *How did the Commission Derive its \$31 Billion to \$60 Billion Estimate of Waste?* September 2011.

⁹ Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting Controlling costs, reducing risks*, Final Report to Congress, August 2011 (Washington, DC: U.S. Government Printing Office, 2011), 21-22.

¹⁰ Commission on Wartime Contracting in Iraq and Afghanistan, "At What Risk", 2d interim report to Congress, February 2011 (Washington, DC: U.S. Government Printing Office, 2011), 38.

¹¹ Ibid., 37.

¹² Christopher Shays and Michael Thibault, "Reducing Waste in Wartime Contracts," *Washington Post*, August 28, 2011.

¹³ U.S. Government Accounting Office, *Statement before the Commission on Wartime Contracting in Iraq and Afghanistan: Contingency Contracting* (Washington, DC: U.S. Government Accounting Office, April 2011), Inside front cover.

¹⁴ Acting Under Secretary of Defense for Acquisition, Technology and Logistics, "Initial Guidance from the Acting Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L))," memorandum for Acquisition, Technology and Logistics Workforce, Washington, DC October 7, 2011.

¹⁵ The Official Home of the US Department of Defense, *About the Department of Defense*, <http://www.defense.gov/about> (accessed December 10, 2011).

¹⁶ Joint Force Command. *Handbook for Military Participation in the Interagency Management System for Reconstruction and Stabilization*, February 2010, A-14.

¹⁷ U.S. Department of State website, Bureau of Resource Management, FY 2001 Agency Financial Report, released November 2011, <http://www.state.gov/s/d/rm/index.htm#mission> (assessed December 26, 2011).

¹⁸ U.S. Department of State website, Guide to doing business with the Department of State, Section 06: Subsection 2 – Regional Procurement Support Office, <http://www.state.gov/m/a/sdbu/pubs/38433.htm> (assessed December 26, 2011).

¹⁹ USAID – From the American People, About USAID, http://www.usaid.gov/about_usaid/ (assessed December 26, 2011).

²⁰ USAID website, Doing Business with USAID, Acquisition and Assistance, <http://www.usaid.gov/business/> (assessed December 27, 2011).

²¹ *Defense Acquisition Workforce Improvement Act (DAWIA)* of 1990, Public Law 101-510, (November 5, 1990).

²² David D. Acker, “Library & Knowledge Repository DAWIA A-3.2,” September 1, 2010, http://www.library.dau.mil/DAWIACHap87_Anno_A-3.2.pdf (accessed February 26, 2012).

²³ Presidential Decision Directive/National Security Council 56, “*Managing Complex Contingency Operations*”, May 1997, <http://www.au.af.mil/au/awc/awcgate/pdd/pdd56.htm> (accessed November 7, 2011).

²⁴ *Department of State Acquisition Regulations System*, 48 C.F.R. Part 601, <http://www.statebuystate.gov/dosar/fullscreen.asp>, (assessed February 26, 2012).

²⁵ *U.S. Department of State Foreign Affairs Manual Volume 14 Handbook 2—Contracting Officer’s Representative*, December 8, 2011, <http://www.state.gov/documents/organization/89068.pdf> (assessed February 27, 2012).

²⁶ *AIDAR USAID Acquisition Regulation*, June 10, 2011, <http://www.usaid.gov/policy/ads/300/aidar.pdf> (assessed December 26, 2011), 11-12.

²⁷ *Federal Acquisition Regulation 2.101*, http://farsite.hill.af.mil/reghtml/regs/far2afmcfars/fardfars/far/02.htm#P10_625 (assessed December 26, 2011).

²⁸ *National Defense Authorization Act of Fiscal Year 2008*, Public Law 110-181, 110th Congress (January 28, 2008), <http://www.dod.gov/dodgc/olc/docs/pl110-181.pdf> (assessed February 27, 2012).

²⁹ U.S. Government Accounting Office, *Statement before the Commission on Wartime Contracting in Iraq and Afghanistan: Contingency Contracting* (Washington, DC: U.S. Government Accounting Office, April 2011), 13.

³⁰ Ibid.

³¹ The Chief Acquisition Officers Council (CAOC) is comprised of Senior Procurement Executives from the following Department: Agriculture, Army, Defense, Education, Health & Human Services, Housing & Urban Development, Homeland Security, Interior, Justice, Labor, Transportation, Treasury, State, and Veteran Affairs. It also consists of Executives from large and small agencies. A complete list is at: <http://caoc.gov/index.cfm?function=allmembers>.

³² U.S. Office of Management and Budget, "The Federal Acquisition Certification in Contracting Program," memorandum for Chief Acquisition Officers Senior Procurement Executives, Washington, DC, January 20, 2006.

³³ Ibid.

³⁴ The Panel of Contracting Integrity has published the reports to congress from 2007 to 2010 on the Defense Procurement and Acquisition Policy website: http://www.acq.osd.mil/dpap/cpic/cp/panel_on_contracting_integrity.html. This site also provides the 2011 panel structure and actions.

³⁵ Department of Defense, Office of Under Secretary of Defense, Acquisition, Technology, & Logistics *Panel for Contracting Integrity*, 2009 Report to Congress (Washington, DC: Department of Defense), 2009, 35.

³⁶ U.S. Office of Management and Budget, "Developing and Managing the Acquisition Workforce," Policy Letter 05-01 to the Heads of Civilian Executive Departments and Agencies, April 15, 2005, http://www.whitehouse.gov/omb/procurement_policy_letter_05-01 (assessed January 3, 2012).

³⁷ *US Department of State Foreign Affairs Manual, Volume 14, Handbook 3 – Acquisition Career Management Program*, Washington, DC, April 21, 2008.

³⁸ Department of Defense, Office of Under Secretary of Defense, Acquisition, Technology, & Logistics *Panel for Contracting Integrity*, 2010 Report to Congress (Washington, DC: Department of Defense), January 28, 2011), 30-31.

³⁹ The First Quadrennial Diplomacy and Development Review, *Leading through Civilian Power*, www.state.gov/qddr, 2010, 181.

⁴⁰ Ibid.,181.

⁴¹ Office of the Under Secretary of Defense, Acquisition, Technology, & Logistics et al. *Defense Contingency Contracting Handbook*, (Washington, DC: Defense Procurement and Acquisition Policy Contingency Contracting, June 2010), <http://www.acq.osd.mil/dpap/pacc/cc/jcchb/> (accessed December 16, 2011).

⁴² Ibid.

⁴³ Dan Robinson, Defense Acquisition University Professor, email interview by author, February 9, 2012.

⁴⁴ Ibid.

⁴⁵ *U.S. Department of State Foreign Affairs Manual Volume 14 Handbook —Acquisition Career Management Program*, April 21, 2008, <http://www.state.gov/documents/organization/89041.pdf> (assessed February 27, 2012).

⁴⁶ Office of the Under Secretary of Defense, Acquisition, Technology, & Logistics et al. *Defense Contingency Contracting Handbook*, (Washington, DC: Defense Procurement and Acquisition Policy Contingency Contracting, June 2010), <http://www.acq.osd.mil/dpap/pacc/cc/jcchb/> (accessed December 16, 2011).

⁴⁷ Commission on Wartime Contracting in Iraq and Afghanistan, “*At What Risk*”, 2d interim report to Congress, February 2011 (Washington, DC: U.S. Government Printing Office, 2011), 38.

⁴⁸ Daniel I. Gordon, Administrator for Federal Procurement Policy Office of Management and Budget, *Transforming Wartime Contracting - Controlling Costs, Reducing Risks*, before the Commission on Wartime Contracting, September 16, 2011, http://www.whitehouse.gov/sites/default/files/omb/legislative/testimony/ofpp/2010-09-16_Gordon-OFPP.pdf (assessed December 16, 2010), 5.

⁴⁹ Commission on Wartime Contracting in Iraq and Afghanistan, *Transforming Wartime Contracting - Controlling costs, reducing risks*, Final Report to Congress, August 2011 (Washington, DC: U.S. Government Printing Office, 2011), 115.

⁵⁰ Director, Joint Staff VADM, USN William E. Gortney, “Reply to the Transforming Wartime Contracting, Controlling Cost, Reducing Risks” memorandum for Co-Chairs, Commission on Wartime Contracting in Iraq and Afghanistan, Washington, DC, May 18, 2011.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Lt. Col. Russell Dunford, “*Program Management verses Contingency Contracting, lessons learned from the field*”, Defense AT&L, July-August 2009, 30.